

HOUSE BILL NO. 379

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 2/22/22

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to drivers' license photographs; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 28.15.111(e) is amended to read:

4 (e) The department may not engage in bulk sharing of facial images captured
5 as a result of an application for a driver's license with a database, other than a database
6 established by the state, regardless of whether the applicant applied for a driver's
7 license that is federally compliant or a driver's license that is not federally compliant.
8 The prohibition in this subsection does not apply to a commercial driver's license. **If**
9 **the department engages in bulk sharing of facial images with a database under**
10 **this subsection, the department shall render the facial images unusable for facial**
11 **recognition purposes.**

12 * **Sec. 2.** AS 28.15.111 is amended by adding a new subsection to read:

13 (g) The department shall, after a driver's license has been issued, destroy or
14 render unusable for facial recognition purposes any photograph captured as a result of
15 the application for the driver's license. The department shall, for a driver's license that

(1) is not federally compliant, capture an applicant's driver's license photograph with a camera that produces a photograph in a format or with a resolution that renders the image quality insufficient for facial recognition purposes;

(2) is federally compliant,

(A) inform an applicant that the applicant's driver's license photograph will be captured with a camera that produces a photograph in a format or with a resolution that produces an image quality that is sufficient for facial recognition purposes; and

(B) obtain the applicant's consent to be photographed as described in (A) of this paragraph.

*** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: EXISTING PHOTOGRAPHS. Any photographs the Department of Administration has previously captured as a result of an application for a driver's license that is not federally compliant and that are maintained in a database or for records purposes after the driver's license has been issued shall be destroyed or rendered unusable for facial recognition purposes by the Department of Administration within 90 days after the effective date of secs. 1 - 3 of this Act.

*** Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Administration may adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

*** Sec. 5.** Section 4 of this Act takes effect immediately under AS 01.10.070(c).